

REMARKS

Claims 1-35 are pending in this application. Claims 1 and 28 are independent, and each is amended. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1, 5, 9, 28, and 32 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ellenby et al. (U.S. 5,815,411);

claims 2-4, 6-8, 10-22, and 29-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Honda et al. (U.S. 5,296,884) and Baron (U.S. Patent No. 6,459,388);

claims 23, 25, and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Suzuki (U.S. Patent No. 5,831,670); and

claims 24, 26, 27, 33, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. These rejections are respectfully traversed.

Arguments Regarding Independent Claims 1 and 28

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present application, each of independent claims 1 and 28 is amended to recite a combination of elements directed to an imaging device, including *inter alia* "a storage medium for storing recommended composition data, which represent composition images that represent an image of a composition that is recommended in performing photography at various locations".

The Applicants respectfully submit that the amendments to independent claims 1 and 28 are non-narrowing, and are made merely to clarify the wording of claimed subject matter.

In contrast to the present invention, the Ellenby et al. document merely discloses an image superimposed on an image obtained by photography that is an augmented image that augments the image obtained by photography, and as a result, changes the obtained image.

On the other hand, according to the present invention as set forth in each of independent claims 1 and 28, a recommended composition image is an image that recommends the composition to be photographed, and the image obtained by photography is not changed. Therefore, the augmented image disclosed in the Ellenby et al. document and the recommended composition image set forth in independent claims 1 and 28 of the present invention are not the same.

As least for the reasons above, the Applicants respectfully submit that the combination of elements set forth in each of independent claims 1 and 28, is not taught or suggested by the references cited by the Examiner, including Ellenby et al.

Therefore independent claims 1 and 28 are in condition for allowance.

Thus, the various rejections under 35 U.S.C. 102(b) and under 35 U.S.C. 103(a) should be reconsidered and withdrawn.

Dependent Claims

Dependent claims 2-27 and 29-35 are in condition for allowance due to their dependence from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, all pending claims are now in condition for allowance.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/CTT/ktp 
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